

Amendment No. 3 to HB1876

**Curtiss
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2091

House Bill No. 1876*

By deleting paragraph (4) in Section 4 of the bill in its entirety and substituting instead the following:

(4) "Geologist in training" means a person who has met the educational requirements of Section 10, but is not qualified to register as a professional geologist;

AND FURTHER AMEND by deleting paragraph (7) in Section 4 of the bill in its entirety and substituting instead the following:

(7) "Licensed professional geologist" means a person who is licensed as a geologist under the provisions of this chapter or the Geologists Registration Act of 1988;

AND FURTHER AMEND by deleting paragraph (8) under Section 4 of the bill in its entirety and substituting instead the following:

(8) "Qualified geologist" means a person who holds an active certificate as a registered geologist or registered professional geologist under the Geologists Registration Act of 1988, as amended, prior to January 1, 2008.

AND FURTHER AMEND by deleting Section 7 in its entirety and substituting instead the following:

Any person, except a person exempted by this chapter, who practices or offers to practice geology to the public or who makes public use of the title "geologist" or any appellation thereof in this state, including a person employed by the State of Tennessee or its political subdivisions, is subject to the provisions of this chapter. The following persons are exempt:

(1) Persons engaging solely in teaching the science of geology or engaged solely in nonpublic geologic research in this state may pursue such teaching or research without registration. Teachers or researchers must, however, be certified as "registered professional geologists" if they wish to perform any geologic work or services for which registration as a geologist is required by this chapter;

(2) Employees or subordinates of a geologist holding a certificate as a registered professional geologist under this chapter insofar as they act solely in such capacity. This exemption, however, shall not permit any such subordinates to practice geology in their own right or use the term "registered professional geologist."; and

(3) Persons who are employed by the State of Tennessee, another person, firm, or corporation not engaged in the practice of geology and who provides geologic services to their/its employer only and not to the general public.

AND FURTHER AMEND by deleting subdivisions (b)(2), (b)(3) and (b)(4) in Section 8;

AND FURTHER AMEND by deleting Section 9 in its entirety and substituting instead the following:

SECTION 9. An application for registration as a geologist shall indicate the applicant's education and provide a detailed summary of geologic work. The application shall be accompanied by an application fee fixed by the department, and must include a certified transcript.

AND FURTHER AMEND by deleting subdivision (a)(2) in Section 10 in its entirety and substituting instead the following:

(a)(2) Be a graduate of an accredited college or university and successfully completed a minimum of thirty (30) semester or forty-five (45) quarter hours of course work in geology, geophysics, geochemistry, engineering geology or their subdivisions. The department may waive the academic requirements for a person who is a qualified geologist, provided that application for licensure is made not later than January 1, 2009. and the applicant can provide evidence to satisfy the department that the applicant is competent to practice

geology;

AND FURTHER AMEND by deleting paragraph (3) in Section 10 in its entirety and substituting instead the following:

(3) Have five (5) years of geological education or professional experience. The following kinds of education and experience qualify toward accumulating the required five (5) years, such that any years of experience or education outlined below shall count toward the five (5) years:

(i) Each year of graduate study shall count as one (1) year of experience; provided, that credit for graduate study or graduate courses, individually or in any combination of graduate study and courses, shall in no case exceed a total of two (2) years toward meeting the requirements of at least five (5) years of professional geological experience pursuant to subsection (c);

(ii) The department may substitute each year of teaching or geological research of persons teaching upper-level geology courses at the college or university levels for professional experience; provided, that such teaching or research can be demonstrated to be of a sufficiently responsible nature to be equivalent to each year of professional experience; or

(iii) The geologic ability of an applicant shall have been demonstrated by the applicant performing professional geologic work in a responsible position as determined by the department. The adequacy of the required supervision and experience shall be determined by the department in accordance with rules promulgated by the department;

AND FURTHER AMEND by deleting (a)(4) under Section 10 in its entirety and substituting instead the following:

(a)(4) Have successfully passed such examination or examinations developed or determined by the department to assess adequately the knowledge and skills that are common to the competent practice of geology as a profession. The department shall waive the examination requirement for registration as a geologist of an applicant who makes written application to the department not later than January 1, 2009, and who otherwise meets the qualifications of this section. Qualified geologists shall be exempt from the application and examination requirements

under this chapter.

AND FURTHER AMEND by deleting paragraph (b) under Section 10 in its entirety and substituting instead the following:

(b) The department shall recognize and continue to use the registration numbers of any geologist who as of January 1, 2008 holds a certificate as a registered geologist or registered professional geologist under the Geologists Registration Act of 1988, as amended. Such certificate shall continue to be renewed under the established renewal cycle. The department shall also recognize and continue to use the registration number of any geologist who currently holds a certificate as a registered geologist once the examination and experience requirements qualifying such person as a registered professional geologist have been met

AND FURTHER AMEND by deleting Section 11 in its entirety and substituting instead the following:

A person holding a license to practice geology issued by proper authority of a state, territory, or possession of the United States, the District of Columbia, or any foreign country, on the basis of comparable licensing requirements. and who, in the opinion of the department otherwise meets the requirements of this chapter, based on verified evidence may, upon approval of an application for licensure, be licensed without further examination, provided that the state, agency, or country issuing the license or certificate of registration has entered into a reciprocity agreement with the department, is part of a general reciprocity agreement among all applicable states, or has established some other form of mutual recognition of licensure or comity with the department.

AND FURTHER AMEND by deleting Section 12 in its entirety and substituting instead the following:

(a) The department shall issue a license, upon payment of a license fee prescribed by the department, to any applicant who complies with the requirements of this chapter. Licenses shall state the full name of the licensee, bear a license number, and be signed by the commissioner or his/her designee under the seal of the department.

(b) A license shall be valid for a period of two (2) years. A fee prescribed by the

department shall be imposed for each late license renewal.

(c) A new license may be issued to replace any license lost, destroyed, or mutilated, subject to the rules of the department and payment of a fee prescribed by the department.

(d) Upon a written request accompanied by a fee prescribed by the department for change in status, a licensee shall be placed on retired or inactive status. No retired or inactive licensee shall engage in any geologic work or services for which licensure as a geologist is required by this chapter. The department shall prescribe rules outlining the procedure for placing a licensee in retired or inactive status and subsequent reinstatement to active status.

AND FURTHER AMEND by deleting Section 14 in its entirety and substituting instead the following:

(a) The commissioner may establish an advisory committee for geology composed of seven (7) members.

(b) In making appointments to the committee, the commissioner shall strive to ensure that the committee includes at least one (1) female, at least one (1) member of a racial minority, and at least one (1) person who is at least sixty (60) years of age. The commissioner may also strive to ensure that the geologist members are from each of the following professional groupings: environmental, mineral and fuel exploration and development, geologic hazards, and geologic research.

(c) The committee shall be administratively attached to the department's division of regulatory boards.

(d) Committee members shall receive no compensation but shall be reimbursed for actual travel and other expenses incurred in attending each meeting and in performing any other duties provided for in this chapter. All reimbursement for such expenses shall be in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(e) The committee shall assist the commissioner with the promulgation of rules for the implementation of requirements of this chapter.

AND FURTHER AMEND by deleting Section 19 in its entirety and substituting instead the following:

SECTION 19. Any person may file a complaint with the Commissioner against a licensee alleging fraud, deceit, gross neglect, incompetence, or misconduct. Complaints shall be made in writing.

AND FURTHER AMEND by deleting the terms "registered", "registration" and "registrant" and substituting them with "licensed", "licensure" and "licensee", respectively.